

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 17, 2002

Agenda ID #1240

TO: PARTIES OF RECORD IN APPLICATION 01-07-004

This is the draft decision of Administrative Law Judge (ALJ) Cooke. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ CAROL BROWN

Carol Brown, Interim Chief
Administrative Law Judge

CAB:sid

Attachment

Decision **DRAFT DECISION OF ALJ COOKE** (Mailed 10/17/2002)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND ELECTRIC
COMPANY, a California Corporation, for a
Permit To Construct the Atlantic-Del Mar
Reinforcement Project Pursuant to General
Order 131-D. (U 39 E)

Application 01-07-004
(Filed July 9, 2001)

**ORDER PURSUANT TO RULE 6.5 OF
THE RULES OF PRACTICE AND PROCEDURE**

Pursuant to Rule 6.1 of the Rules of Practice and Procedure, the Commission preliminarily determined in Resolution ALJ 176-3067 that the above-entitled matter is a ratesetting proceeding expected to go to hearing. By Assigned Commissioner's Ruling dated October 9, 2002, Assigned Commissioner Duque found the need for hearing determination should be changed. We have considered our preliminary determination on this matter and the assigned Commissioner's ruling. We affirm the Assigned Commissioner's ruling.

Rule 6.5 concerns changes in the need for hearing or preliminary categorization of a proceeding. Rule 6.5 provides that a change in the preliminary determination on the need for hearing shall be placed on the Commission's consent agenda for approval.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice

and Procedure. Comments were filed on _____, and reply comments were filed on _____.

Assignment of Proceeding

Henry Duque is the Assigned Commissioner and Michelle Cooke is the assigned Administrative Law Judge in this proceeding.

IT IS ORDERED that:

1. This proceeding does not require that hearings be held.
2. Under Rule 6.6, this order is a final determination that a hearing is not needed in this proceeding.
3. Ex parte communications shall be permitted, as provided in Rule 7(e). In all other respects, the rules and procedures in Article 2.5 of the Commission's Rules shall cease to apply to this proceeding. However, the proposed schedule and scope of issues contained in the scoping memo shall continue to apply.

This order is effective today.

Dated _____, at San Francisco, California.